

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES,

Plaintiff,

-v-

No. 18 CR 445-LTS

DANTE MARTINEZ,

Defendant.

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ORDER

On November 27, 2023, at 2:30 p.m., the Court held a hearing to determine whether Mr. Martinez is mentally competent to undergo post release proceedings pursuant to 18 U.S.C. section 4241(d). At that time, for the reasons stated in the Federal Bureau of Prison's ("BOP") Competency to Stand Trial Evaluation, dated October 23, 2023, explained on the record of the hearing, the Court found, by a preponderance of the evidence, that Mr. Martinez was unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. The Court committed Mr. Martinez to the custody of the Attorney General and directed the Attorney General to hospitalize Mr. Martinez for treatment in a suitable medical facility in accordance with 18 U.S.C. section 4241(d) until his mental condition is so improved that he can understand the nature and consequences of the proceedings against him or such earlier date as determined in accordance with such provision of law. (Docket entry no. 101.)

The Court has received and reviewed the BOP's Forensic Evaluation, dated June 26, 2024, for Mr. Martinez (the "Evaluation"). The Evaluation has been provided to the parties

and filed under seal. For the reasons stated in the Evaluation, the Court finds, pursuant to 18 U.S.C. section 4241(d)(2), that there is a substantial probability that Mr. Martinez will attain the capacity to permit the proceedings to go forward after an additional 120-day period of hospitalization. The Attorney General is hereby directed to continue to hospitalize Mr. Martinez for treatment in a suitable medical facility in accordance with 18 U.S.C. section 4241(d) until his mental condition is so improved that he can understand the nature and consequences of the proceedings against him or such earlier date as determined in accordance with such provision of law.

For the foregoing reasons, the status conference in this case scheduled to proceed in this case is hereby adjourned until **November 14, 2024, at 2:30 p.m.** The parties are directed to meet and confer and to submit a joint status report with the parties' positions on appropriate next steps, and any additional documents they would like the Court to consider during or in connection with the proceeding, by **November 7, 2024, at 12:00 p.m.**

The Government is directed to provide a copy of this order to the Bureau of Prisons forthwith.

SO ORDERED.

Dated: New York, New York
July 11, 2024

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge